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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,179	11/12/2003	Akram A. Bou-Ghannam	BOC9-2003-0044 (415)	6120

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EXAMINER	
LY, CHEYNE D	
ART UNIT	PAPER NUMBER
2168	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/706,179	BOU-GHANNAM ET AL.	
	Examiner	Art Unit	
	Cheyne D. Ly	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-4,6-17 and 19-27 is/are rejected.

7)☒ Claim(s) 5,10-13 and 18 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 11/12/03 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 3/10/2004.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-27 are examined on the merits.

Claim Objections

2. Claims 10-13 are objected to because said claims recite "The system of claim 9", while claim 9, from which said claims depend, recites "A server." Appropriate correction is required.

CLAIM REJECTIONS - 35 U.S.C. § 112, SECOND PARAGRAPH

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 12 recites the limitation of "an invoked Web services..." in line 1, which cause said claim to be vague and indefinite because claim 9 from which claim 12 depend from does not actually invoke any Web services. It is noted claim 9, lines 9 and 11, recites the intended limitation of "for invoking...", however, claim 9 does not actually invoke any Web services. Clarification of the metes and bounds is required.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-

type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

7. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

8. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 1, 9-11, 13, 14, 22, 24, 25, and 27 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 8, 11, 14, 16, and 24 of copending Application No. 10/705,990. Although the conflicting claims are not identical, they are not patentably distinct from each other because the

claimed invention (specie) recited in copending Application No. 10/705,990 renders the broader claims in the instant application obvious to one of ordinary skill in the art.

10. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1-4, 6-17, and 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US 2005/0038708 A1) in view of Dzbor et al. (October 2003) (Dzbor hereafter).

MOTIVATION TO COMBINE

14. Wu describes Web services on demand to improve system performance (Abstract etc. and page 3, [0040]). While, Dzbor describes Magpie for on-demand semantic Web services (page 10, section 5.1, On-Demand Semantics Services). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated by Wu to improve the system described by Dzbor to improve system performance.

PRIOR ART

15. In regard to claim 1, Wu discloses a method of processing a request for a plurality of Web services comprising the steps of:

    Receiving a request specifying at least two Web services (pages 3-4, [0055]-[0056], especially, Web services for "QQQ" and "SPY" (at least two services));

    Storing an object pattern from the request in a common memory (page 3, [0046], especially, "For each user submission concurrency configurations are saved...";

    Scanning the common memory with a plurality of watchers, wherein each watcher is associated with a Web service and specifies a rule for invoking an associated one of the Web services (page 3, [0042], especially, "parses the form data...maps SOAP schema data types..." (rules), [0046], "A daemon thread called queue watcher...spurs a client thread...for each request in the queue", and [0052], especially, "the system looks up the invocation object in 740 cache..."

16. However, Wu does not explicitly describe the limitation of "detecting...a rule matching the object pattern invokes an associated one of the Web services."

17. Dzbor describes the limitation of "detecting...a rule matching the object pattern invokes an associated one of the Web services" (page 2, lines 26-29, especially, "allows trigger services...when a specific pattern of items has been found", pages 11-12, section 5.2, Trigger Semantic Services, especially, "Several watchers monitors and respond to patterns in the asserted fact. When the relevant assertions have been made for a particular watcher, a semantic service response is triggered", and Figure 4, wherein "SRV..." represents the plurality of "watchers"). Therefore, it would have been obvious to one of skill in the art at to use the method described by Wu and Dzbor to improve system performance.
18. In regard to claim 2, Wu describes "extracting the object pattern..." (page 3, [0042], especially, "parses the form data). Therefore, it would have been obvious to one of skill in the art at to use the method described by Wu and Dzbor to improve system performance.
19. In regard to claim 3, Wu describes "concurrent Web Services invocation requests" (page 2, lines 1-7). Therefore, it would have been obvious to one of skill in the art at to use the method described by Wu and Dzbor to improve system performance.
20. In regard to 3, Wu describes invoking one of the Web services sequentially (page 3, [0082], especially, "the sequence in the invocation list dictate what operations are to be invoked and what the invocation sequence is." Therefore, it would have been obvious to one of skill in the art at to use the method described by Wu and Dzbor to improve system performance.

21. In regard to claim 6, Wu describes watchers continuing detecting to invoke Web services until a termination watcher detects a termination criterion and removes the pattern object from the common memory (page 3, [0046], especially, "removes the request from the queue..." and Figure 6, especially, "stops, pauses, and restarts").

22. In regard to claim 7, Wu describes sending a response to the request, wherein the response specifies, at least in part, the pattern object (page 4, [0062], especially, "SOAP response message (page 1, [0016]-[0020], especially, "SOAP response messages...serializes the Java objects..."). Therefore, it would have been obvious to one of skill in the art at to use the method described by Wu and Dzbor to improve system performance.

23. In regard to claim 8, Wu describes one of the watchers modifying the pattern object according to instructions from an associated one of the Web services (page 2, [0024], especially, "dynamically reconfiguring Web Services by intercepting, transforming, and redirecting SOAP messages...dynamically reconfiguring the list of operations to be invoked given a Web service." Therefore, it would have been obvious to one of skill in the art at to use the method described by Wu and Dzbor to improve system performance.

24. In regard to claims 9-11, 13-17, and 19-27, Wu in view of Dzbor renders said claims obvious over the above cited art. Therefore, it would have been obvious to one of skill in the art at to use the method described by Wu and Dzbor to improve system performance.

CONCLUSION

25. Claims 5 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

    a. Liu et al. for discloses a method and apparatus for web service aggregation.

    b. Moore et al. for disclosing a reputation system for web services.

    c. Karakashian et al. for disclosing web services runtime architecture.

27. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables

applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

28. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly
Patent Examiner
12/23/06